

REPLY

The Examiner withdrew claims 1 and 6-10 as being drawn to a non-elected species. Accordingly, claims 1 and 6-10 have been canceled.

The Examiner indicated that the Information Disclosure Statement filed March 19, 2004, did not include a concise explanation of the relevance of each patent listed that is not in the English language. The relevance of the non-English language patents listed in the Information Disclosure Statement filed March 19, 2004, is that they were cited in a related corresponding European patent application No. EP 02 02 2930.

The citation of U.S. Patent 5,184,710 was a typographical error. The patent number should have read 5,184,719.

The Examiner rejected claims 2-5 under 35 USC §103(a) as being unpatentable over Cohen in view of Nason. The Examiner rejected claims 2-5 under 35 USC §103(a) as being unpatentable over Aiken in view of Nason. The Examiner also rejected claims 2-5 under 35 USC §103(a) as being unpatentable over Haynie in view of Nason.

The Examiner also rejected claims 2-5 under the judicially created doctrine of obviousness-type double patenting as being

unpatentable over claims 1-29 of U.S. Patent No. 5,660,273 in view of Nason. The Examiner made a similar double patenting rejection of claims 2-5 over Claims 1-11 of U.S. Patent No. 6,116,414 in view of Nason. The Examiner also rejected claims 2-5 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. 6,328,159 in view of Nason.

Claim 2 has been amended to incorporate the limitations of dependent claim 4. Relative to claim 4, the Examiner indicated that the use of the edges to wipe the application (sic. applicator), is of no patentable significance in the claim construction used. The Examiner also indicated that the intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

Amended claim 2 recites wherein the strip has a width less than a width of the material well. **The structural limitation** of a strip that has a width less than a width of the material well results in a structure having a portion of the cover overhanging the material well forming an edge. The structural feature of the overhang of a portion of the cover forms an edge which may be used to wipe the applying end portion of the applicator so as to provide an appropriate amount of material on the applying end portion. Accordingly, the recitation of a strip that has a

width less than a width of the material well, is a structural limitation. This structural limitation is a structural difference between the claimed invention and the prior art that patentably distinguishes the claimed invention from the prior art.

The prior art cited by the Examiner does not disclose a strip that is narrower than a material well so as to form edges over the material well. Therefore, there is no combination that could be made of the references cited by the Examiner so as to form the present invention as claimed.

New claims 11-12 have been added to more particularly define Applicant's invention. New claim 12 more specifically recites the strip defining a strip width that is less than the material well width so that a portion of the cover extends over an edge of the material well. This structural feature permits a portion of the cover to extend over the edge of the material well, permitting the edge to be used to wipe the applying end portion.

Accordingly, in view of the amendments made to claim 2 and the limitations in new claim 12, the Examiner's double patenting rejection should be overcome, as nothing in Nason would render obvious the recited limitation that the strip has a width less than a width of the material well, whereby an edge is formed over the material well so that it may be used to wipe the applying end portion. In Nason, once the tear off cover portion is removed, the remaining cover does not form an edge over a

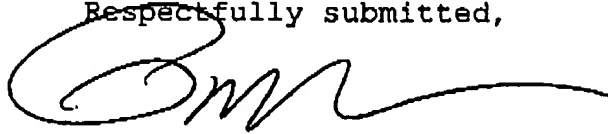
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material well, permitting the wiping of the applying end portion, permitting any excess material to be recovered by the material well.

It is respectfully requested that the Examiner reconsider the present application and forward the Notice of Allowance.

Respectfully submitted,



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